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SIPDIS
SENSITIVE

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SUBJECT: COSTA RICA - SAN JUAN RIVER DISPUTE DRAGS ON

REF: A. SAN JOSE 619

1B. WHA ASDAR 8/28/09

11. (SBU) Costa Rica and Nicaragua continue to be locked in a long-standing dispute over the management of the San Juan River, despite a July 13 International Court of Justice (ICJ) ruling to settle the matter (Ref A). Though both countries claimed to accept the ruling, on August 25 the GON announced plans to start dredging the San Juan in order to increase waterflow (Ref B). The GOC is concerned that dredging the San Juan, which was expressly forbidden by the ICJ ruling, would cause environmental damage along Costa Rica's Colorado River, which is fed by the San Juan. The GOC has sent three diplomatic notes to the GON objecting the plan, and insisting that an environmental impact study be done before any further action is considered. GOC point-person on the San Juan dispute Arnoldo Brenes told us that the GON has \$4 million already allocated for the dredging project, which was planned to begin in October (a month later than the announced start date of September).

12. (SBU) On August 30 Costa Rican press reported that the GON was continuing to charge fees to Costa Rica vessels on the San Juan, which also violates the ICJ ruling. However, Brenes later told us that they had received some reports from fishing vessels that the GON had suspended the charges as of September 1, at least in the area where the Sarapiqui river meets the San Juan. Brenes said that they hadn't yet received reports on the issue from other parts of the river, and had yet to receive any communication on the issue from the GON in response to their diplomatic notes.

13. (SBU) In a meeting in early September MFA Chief of Staff Elaine White said she would welcome any information we could give them about the GON's plans for dredging the river. Stating that the GOC's staff in Managua was "limited", she asked if we could pass along any information our Embassy in Managua could find on the issue.

14. (SBU) Comment: While the two countries share a common border, Costa Rica and Nicaragua remain worlds apart. The fact that the GOC has requested information from us about the GON's plans for their shared border shows just how little the two governments communicate. From our conversations with GOC officials, it is clear that any "dialogue" they have with the Nicaraguans merely consists of mailing off a diplomatic note and waiting for a reply, which often never comes. Though there had been hope that the ICJ ruling had put the San Juan dispute to rest, it is clear that border problems between the two neighbors will continue to be an issue.

BRENNAN